

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-15-805
)	
Plaintiff,)	Yellowstone County District Court
)	Montana Thirteenth Judicial District
)	
-vs-)	DECISION
)	
ZACHERIAH PAUL SIEK,)	
<u>Defendant.</u>)	

On July 19, 2019, the Defendant's suspended sentence for Count II: Criminal Mischief was revoked and he was sentenced to a commitment to the Department of Corrections for five (5) years. The Court recommended that the Defendant be screened for any and all treatment programs and upon acceptance, follow all requirements and provisions. If not accepted, the Defendant should be placed at a Department of Corrections facility at the discretion of the Department. It was further recommended that the Defendant follow up with aftercare and potential drug court. The Defendant received credit for elapsed time while not incarcerated from March 22, 2016 through May 3, 2018. In addition, the Defendant received credit for time served as follows: July 16, 2018 through August 1, 2018; April 24, 2019 through April 27, 2019; and May 8, 2019 through May 13, 2019.

On November 7, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was appeared by video conferencing from the Yellowstone County jail and was represented by Stephanie DeBoer, Defense Counsel. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

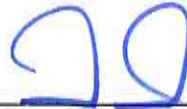
Done in open Court this 7th day of November, 2019.

DATED this 11th day of December, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 13th day
of December, 2019, to:

Clerk of District Court (Original)
Zachariah Paul Siek #3018348, Defendant (2)
Hon. Donald Harris
Stephanie DeBoer, Defense Counsel
Ingrid Rosenquist, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division